

ORDINANCE 2013-16

AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING THE STEEP SLOPE ORDINANCE, CODE SECTION 30-96.24

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Code of the Township of Chatham, 1995, is hereby amended as follows:

Section 1. Chapter XXX, Land Development, Article 7, Zoning Regulations, Section 30-96.24, Steep Slopes, is hereby amended to repeal the existing section and replace it with the following:

30-96.24 Steep Slope Protection.

a. *Purpose.*

The purpose of this ordinance is to regulate the intensity of use in areas of steeply sloping terrain in order to limit soil loss, erosion, excessive stormwater runoff, the degradation of surface water and to maintain the natural topography and drainage patterns of land.

b. *Background.* Disturbance of steep slopes results in accelerated erosion processes from stormwater runoff and the subsequent sedimentation of waterbodies with the associated degradation of water quality and loss of aquatic life support. Related effects include soil loss, changes in natural topography and drainage patterns, increased flooding potential, further fragmentation of forest and habitat areas, and compromised aesthetic values. It has become widely recognized that disturbance of steep slopes should be restricted or prevented based on the impact disturbance of steep slopes can have on water quality and quantity, and the environmental integrity of landscapes.

c. *Applicability.* This ordinance shall be applicable to new development or land disturbance on a steep slope within Township of Chatham.

d. *Definitions.*

Disturbance shall mean the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

Impervious surface shall mean any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

Redevelopment shall mean the construction of structures or improvements on areas which previously contained structures or other improvements.

Steep slopes shall mean any slope equal to or greater than fifteen (15%) percent as measured over any minimum run of ten (10) feet. Steep slopes are determined based on contour intervals of two (2) feet or less.

Major Development shall mean and “development” that provides for ultimately disturbing one (1) or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

e. *Designation of Areas.* The percent of slope (rise in feet per horizontal distance) shall be established by measurement of distance perpendicular to the contour of the slope. The percent of slope shall be calculated for each two-foot contour interval. For example, any location on the site where there is a one-foot rise over a 10-foot horizontal run constitutes a ten (10%) percent slope; a 1.5-foot rise over a 10-foot horizontal run constitutes a fifteen (15%) percent slope; a two-foot rise over a 10-foot horizontal run constitutes a twenty

(20%) percent slope.f. *Steep Slope Limits.* For steep slopes any disturbance shall be prohibited except as provided below:

1. Redevelopment within the limits of existing impervious surfaces; and
2. New disturbance necessary to protect public health, safety or welfare, such as necessary linear development with no feasible alternative; to provide an environmental benefit, such as remediation of a contaminated site; to prevent extraordinary hardship on the property owner peculiar to the property; or to prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment. For example, redevelopment, within the footprint of existing impervious cover should be allowed to support efforts to revitalize development that has fallen into disrepair.

The applicant shall demonstrate through site plans depicting proposed development and topography that new disturbance is not located in areas with a 15 percent or greater slope.

g. *Extraordinary Hardship Limitations.* Excluding major development, hardship Disturbances of steep slopes shall be limited to the following based on the indicated slopes:

1. Applicant is permitted to disturb slopes of greater than twenty-five (25%) percent up to five hundred (500) square feet in total area.
2. Not more than twenty (20%) percent of slopes ranging from twenty (20%) percent to twenty-five (25%) percent shall be disturbed and the area of disturbance of such slope area shall not exceed five (5%) percent of the lot area, except that any applicant is permitted to disturb slopes in this category up to one thousand (1,000) square feet in total area.
3. Not more than thirty (30%) percent of slopes ranging from fifteen (15%) percent to twenty (20%) percent shall be disturbed and the area of disturbance of such slope area shall not exceed ten (10%) percent of the total lot area, except that any applicant is permitted to disturb slopes in this category up to three thousand five hundred (3,500) square feet in total area.
4. Existing single-family residences with a lot size of twenty-five thousand (25,000) square feet or less are exempt from disturbance area limitations specified in paragraphs 2 through 3 above.

h. *Conflicts and Severability.*

1. Conflicts:

All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this subsection are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this subsection apply.

2. Severability:

- (a) Interpretation: This subsection shall be so construed as not to conflict with any provision of New Jersey or Federal law.
- (b) Notwithstanding that any provision of this subsection is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the subsection shall continue to be of full force and effect.

3. The provisions of this subsection shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

i. *Enforcement, Violation and Penalties.* A prompt investigation shall be made by the appropriate personnel of Township of Chatham, of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this subsection is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this subsection shall be construed to preclude the right of Township of Chatham, pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in

Municipal Court. The violation of any provision of this subsection shall constitute a separate and distinct offense independent of the violation of any other provision, or of any order issued pursuant to this subsection. Each day a violation continues shall be considered a separate offense.

Section 2. Conflicts.

All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this ordinance apply.

Section 3. This ordinance shall take effect as provided by law.

Introduced: June 27, 2013

Adopted:

Attest:

TOWNSHIP OF CHATHAM, COUNTY
OF MORRIS, STATE OF NEW JERSEY

By:_____

Nicole Hagner, Mayor

Gregory J. LaConte, Clerk

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